

REMARKS

The examiner has rejected Applicant's new claims 40-64 under 35 U.S.C. §103 over Clough et al (Clough) and Chang. Neither of these references can be used to reject any of Applicant's claims. Clough does not demodulate the incoming signals. Neither does he synchronize them. Neither of these operations is shown or described or implied in Clough or in Chang. The examiner is not permitted to put words into the mouth of patents. Were that allowed, only one patent would have ever been issued from the U.S. Patent Office and it would thereafter "impliedly" anticipate or obviate all other inventions made subsequent thereto.

In paragraph 3 of the latest Office Action, the Examiner states:

Clough also states in column 7, lines 48-52, the signals are sampled at the same constant discrete time intervals in each A/D converter. The A/D converter is a component of each of the receivers. If the A/D converters are synchronized, then the receivers are synchronized.

This is a stunning statement. In the first place, lines 48-52 are in the *claims* of the Clough patent. In the second place, 35 U.S.C. §112, 2nd paragraph requires the claims "particularly point out and distinctly claim the subject matter which the applicant regards as his invention". Clough states, at lines 48-52:

(c) sampling means connected with said first and second microphones for sampling the speech and other signals at constant discrete intervals of time, the speech signals representing information and noise and the other signals representing noise..."

In the third place, the examiner does not understand that "sampling" does not mean "synchronizing" nor does it mean "demodulating". In the fourth place, sampling of two separate streams of signals at constant discrete intervals of time does not mean that the

sampling or the signals are synchronized. Sampling of two separate streams of signals at constant discrete intervals of time does not mean that the signals are demodulated. The examiner does not show the antecedent basis for this statement in the Clough claim. In all of counsel's 34 years as a patent attorney, this is the first time he can remember having his client's claims rejected on the basis of the *claims of another patent*. Nowhere in Clough is the word "synchronize" even printed. This rejection argument is a fantasy of the examiner's imagination.

The examiner makes the following statement in paragraph 3 of his Office Action:

"The A/D converter is a component of each of the receivers. If the A/D converters are synchronized, then the receivers are synchronized."

In the first place, there is no disclosure, implication, or suggestion that Clough's A/D converters are synchronized. The word "synchronizing" [as well as the word "demodulation"] does not appear in Clough. Again, this is a fantasy. In the second place, implying that if one component is synchronized then another component is synchronized is simply ludicrous. Clearly, no patent examiner would allow this sort of twisted logic to be used as support for any claim in a patent. Likewise, no such twisted logic should be allowed as a basis for rejection of a claim.

The examiner goes on in paragraph 3 of his Office Action to state:

Chang discloses in column 4, lines 44-56, the noise that is detected in each receiver will be on the same frequency. The receivers are synchronized to the same frequency. Chang also states the receivers receive signals at the same time. However, since this occurs, the signal will be displaced in time due to the differences in the length [of] the path of the signal must travel. This difference in time is then compensated for so the subtraction step removes the proper signal components.

The examiner fails to understand, again, that just because two receivers receive the same signal, **they are not synchronized unless it is said that they are synchronized.** In addition, neither the words "synchronize" or "demodulate" appear anywhere in Chang. Chang has no relevance to applicant's invention.

However, Chang is more important than merely what the examiner said about it. Enclosed as Exhibit A is a copy of Chang supplied by the U.S. Patent Office along with the first Office Action. Note that Chang has three drawing figures. Note also that Chang has no reference numbers. Below is a Glossary of the terms used in Chang to describe his invention:

<u>Figure</u>	<u>Number</u>	<u>Item</u>
1	10	prior art (No number shown)
1	11	subtract circuit (No number shown)
1	12	one microphone (No number shown)
1	13	another microphone (No number shown)
1	14	adaptive filter (No number shown)
1	15	voice recognition system (No number shown)
2	16	invention (No number shown)
2	17	sensor (No number shown)
2	18	sensor (No number shown)
2	19	group (col 5/line 49) narrow band filter (5/57) (No number shown)
2	20	group (5/49) narrow band filter (5/58) (No number shown)
2	21	adaptive filter (No number shown)
2	22	group (No number shown)
2	23	voice recognition system (No number shown)
3	24	? (No number shown)
3	25	? (No number shown)
3	26	? (No number shown)

35 U.S.C. §112 states in part:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled

in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Chang does not contain a written description in full, clear, concise, and exact terms. Chang is a joke as a patent. It has no drawing numbers with which to explain the invention. It does not use the word "synchronization" or the word "demodulate" anywhere in the Abstract, the Specification or the Claims yet the examiner insists Chang is an invention using synchronization. Chang should never have been issued by the U.S. Patent Office because it violates 35 U.S.C. §112 in such an egregious way as to be totally useless as a patent and a prior art reference. It is requested that Chang be withdrawn from consideration as prior art.

In paragraph 2 (Response to Arguments) the Examiner has again objected to Applicant's drawings alleging that means to digitize and demodulate the received signals and the converting signals to a corresponding voltage or current must be shown or the features canceled from the claims. In his first Office Action (dated 06/05/00) the Examiner states, on pages 2 and 3:

Regarding claims 1-3, 25-27, 34 and 38, Clough et al [Clough] discloses a system for suppressing noise signals from a signal containing both voice data and noise signals, the system comprising:
a first receiver operative to receive both noise and voice data (column 4 lines 12-14), the first receiver being operative to demodulate and digitize (figure 1 item 5) the voice data and noise signals;

In Clough, column 4 lines 12-14, it is stated:

In general terms the apparatus carries out a method of processing a plurality of signals of which the first represents information plus noise and the or each other represents noise, so as to provide an output signal having an increased information to noise ration as compared with increased

Figure 1 item 5 of Clough is a square box with the letters "A/D" inside it. In the specification, column 3, lines 13-15, the statement is made:

The signals then pass to A/D converter 5, 6 which sample the input signals at a frequency of for example 10 kHz.

In the first place, there is no mention whatsoever in Clough that "...the first receiver being operative to demodulate and digitize (figure 1 item 5) the voice data and noise signals...". How can the Examiner demand applicant place a separate box in his drawings showing demodulation and digitizing when Clough does not have the same showing in his drawings? This is totally unfair and not countenanced by the patent rules and regulations. Applicant has clearly called for the operations of demodulation and digitizing in his specification at page 13, lines 12-23:

In the preferred embodiment, the first and second receivers 12, 14 are customized receiver systems which are time, frequency, and phase synchronized. *The first and second receivers 12, 14 demodulate and digitize the output of the first and second field sensors 16, 18 and transmit such output to the computer 22.* Preferably, the first and second receivers 12, 14 are CASSPER® receivers manufactured by CASSPER® Instrumentation Systems of Lake Forest, California and are inherently time, frequency, and phase synchronized. For maximum performance, the first and second receivers 12, 14 may be co-located in a single housing and share the same local oscillator clock. [Italics supplied]

Because Clough does not show a separate element or box or other icon for "demodulating and digitizing" the output of anything, neither should Applicant be required to do so. Applicant refuses to amend its drawings.

It appears useless to argue with the examiner about Clough and Chang being the basis of rejection of all claims in issue under 35 U.S.C. §103. The words

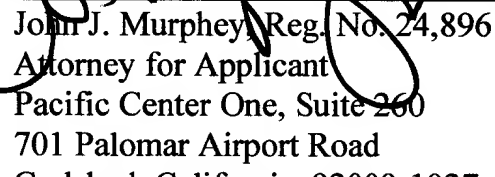
"demodulate" and "synchronize" do not appear in either Clough or in Chang and, no matter how the examiner frames his rejections, there is no logical or legal basis for rejecting applicant's claims 40-64 under 35 U.S.C. §103.

REMARKS

Applicants' counsel has addressed all issues raised by the Examiner in his latest Office Action. Clough is not a viable reference because it does not disclose applicant's invention. Chang is literally junk and, in the first place should never have been issued as a United States patent, and, secondly, has nothing to do with any portion of applicant's invention. Applicant should be issued his patent. The application now appears to be in condition for passage to allowance and such action is earnestly solicited.

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Respectfully submitted,



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